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C O N F I D E N T I A L SECTION 01 OF 05 OTTAWA 003179

SIPDIS

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TAGS: MARR PREL CA NORAD

SUBJECT: CANADA: NORAD AGREEMENT NEGOTIATIONS, ROUND I

Classified By: POL M/C BRIAN FLORA. REASONS 1.4 (B) AND (D).

SUMMARY

¶1. (U) On September 21, 2005 in Ottawa, a U.S. negotiating team led jointly by the Departments of State and Defense met with Canadian counterparts in the first round of discussions to renew the Agreement for the North American Aerospace Defense Command (NORAD), due to expire on May 12, 2006.

U.S. delegation (USDEL):

Terry Breese, Director, WHA/CAN, State
James Townsend, Principal Director, OASD/ISP/European and
NATO Policy, DOD
Felix Hernandez, WHA/CAN, State
David Sullivan, L/WHA, State
COL(P) Frederick S. Rudesheim, USA, J-5, DOD
CDR Stephen McInerney, USN, OASD/ISP, DOD
Lt Col Patricia Dees, USAF, J-5, DOD
Col Robert Leary, USNORTHCOM
Patricia Jacubec, OASD/Homeland Defense, DOD
Patricia Kim-Scott, Embassy Ottawa (notetaker)

Canada delegation (CANDEL):

Paul Chapin, Director General (DG), International Security
Division, FAC
RAdm Drew Robertson, DG, International Security Policy, DND
Janet Graham, Director, Continental Defense Division, FAC
Barbara Martin (ADD TITLE)
Michael Bonser, Defense & Security Relations (IDR), FAC
Sabine Nolke, Legal Affairs Bureau (JLH), FAC
Col Mike Hache, Western Hemisphere Policy, DND
CDR Mark Chupick, Western Hemisphere Policy, DND
Claude LeBlanc, Policy Development, DND
Kelly Anderson, Canadian Embassy in Washington

NORAD observers:

Col Marc Dippold, USAF
Col Eric Stevens, Vice Director of Plans

¶2. (C) Both sides agreed that completion of NORAD renewal in a timely fashion was the first priority; the future of the Bi-national Planning Group (BPG - co-located with but not part of NORAD) needed to be addressed because its expiration was coterminous with the NORAD Agreement; and discussion of broader defense cooperation should proceed in parallel, but would require more time. Additionally, Canadian negotiators indicated that they wanted to reach agreement on NORAD no later than the end of October. They had tentatively scheduled a Cabinet review for the new agreement for mid-November and have further Cabinet time reserved in mid-December. The next round of talks is set for October 12 ahead of the Permanent Joint Board on Defense meeting in Winnipeg. The U.S. delegation volunteered to prepare a "draft Agreement" drawing on the day's discussions, as well as a discussion paper to address raising defense relations to the next level. END SUMMARY.

INTRODUCTORY REMARKS AND POSITIONS

¶3. (C) In opening remarks, DG Chapin noted the transformed security environment in the United States as a result of the 9/11 terrorist attacks. While changes in Canada might not be as "dramatic," he said, they were "cumulatively close" to those that took place in the U.S. Chapin cited Canada's first-ever national security policy, released in 2004; C\$9 billion in expenditures covering new security-related structures in the Prime Minister's Office (PMO) and elsewhere; the active engagement of Canadian Forces in Operation Enduring Freedom, sustained in subsequent ISAF deployments; and "indirect" support for Iraq, notably through aid contributions and elections support. Moreover, he said, a great deal had been achieved collectively by the U.S. and Canada, including the Smart Border Declaration and related action plan, the 2002 launch of the Bi-national Planning Group (BPG) as an adjunct to NORAD, a joint statement last year by President Bush and Prime Minister Martin to pursue an agenda on border, economic and security and defense issues, and the Security and Prosperity Partnership of last March.

¶4. (C) Chapin said that the United States and Canada faced three tasks: renewal of the NORAD Agreement, incorporating any changes deemed necessary; deciding the future of the BPG;

and exploring and recommending additional ways to enhance U.S.-Canada security and defense cooperation. The Canadian Cabinet had given a negotiating mandate with a view to all three of these tasks.

¶15. (C) Chapin referred to Canada's May 2005 non-paper on enhanced defense cooperation, which was intended to provide a frame of reference for discussion, and drew on the work of the Bi-national Planning Group. He noted that there was no arrangement between the United States and Canada to ensure coordinated responses between Navies and Coast Guards, no training of fleets for mutual defense, and added that the land operations order (OPORD) was not up to date. Canada, he said, valued the U.S.-Canada defense relationship, of which NORAD was the cornerstone. NORAD was uniquely bi-national, enabled combined responsiveness in a critical timeframe, and was fundamental to a layered defense of the continent.

¶16. (C) Bi-nationally, Chapin proposed that NORAD be expanded to include maritime surveillance and warning, and the Agreement should be of no fixed term. Additionally, the BPG planning function should be maintained. Bilaterally, he noted, the United States and Canada should: discuss how to enhance maritime defense, explore how to develop bilateral military-to-military support for civil authorities, and explore training opportunities to test and evaluate existing plans for defense of the continent.

¶17. (C) Admiral Robertson stated that he and Rear Admiral Sullivan, USN, Joint Staff Vice Director for Policy and Planning, had met in July to look at military-to-military cooperation. Robertson said that bilateral plans needed to be revised and that there was a need to review maritime threats. He noted that military-to-military assistance after Hurricane Katrina was coordinated through NORTHCOM. A lot of work was yet to be done at the national level, including development of a national operations plan. The creation of Canada Command (CanCom) would bring dedicated staff to Ottawa to address these issues. He added that the existence of CanCom had not been anticipated in the Cabinet mandate for NORAD negotiations.

¶18. (C) In his introductory remarks, WHA/CAN Director Breese reaffirmed the USG view that NORAD remained a vital component of the common defense of North America and said that the U.S. had taken essentially the same approach as Canada in preparing for negotiations. Exploring defense support to civilian authorities (DSCA) was particularly relevant in the aftermath of Hurricane Katrina; moreover, military-to-military support to civilian authorities was an excellent example of U.S.-Canadian cooperation and interoperability. Breese reiterated President Bush's gratitude for Canada's generous outpouring of assistance. The U.S. agreed, Breese continued, that the future of the BPG must be addressed in timely fashion, though what that future might be remained unclear. Other issues needing resolution included the future of the Military Cooperation Committee, and how the Permanent Joint Board on Defense (PJBD) fit into the continental defense equation. The evolution of U.S. Northern Command and the birth of Canada Command had changed the equation and created new realities.

¶19. (C) In brief remarks, OSD Director Townsend expressed appreciation for Canadian assistance in dealing with the devastation from Hurricane Katrina. The U.S.-Canada defense agenda was "huge" -- more than NORAD and more than continental defense. He shared his view that the United States and Canada must take their security relationship "to the next level." The two countries were natural allies beyond the continent, and could "do more, in a stronger way." NATO, he said, had a Pacific view. The United States and Canada had Pacific interests; however, Europeans did not necessarily see this yet.

¶10. (C) While he acknowledged that Canada had not consciously paid attention to the defense of Canada in the past, Chapin stated that Canada had been given a "bum rap" on defense. He noted that Canada had been "coming back for five to seven years." Canada, he stressed, was ready to play a substantial role abroad.

THE RENEWAL PROCESS

¶11. (C) Discussing the renewal process and related timelines, the U.S. side clarified that its mandate was for negotiation only, and that separate Circular 175 authority would be required to "conclude" the Agreement. The U.S. noted that because the NORAD Agreement was not a treaty, U.S. Senate approval would not be required. However, congressional consultations might be desirable.

¶12. (C) Graham stated that, in Canada, an exchange of notes containing legally binding obligations had the "effect" of a treaty and thus Canadian Cabinet approval of a draft text specifically was required. The uncertain status of the

"minority" government notwithstanding, negotiators had anticipated a Cabinet review for mid-November. This would require negotiations to be concluded by the end of October. Chapin said there was always a small possibility that the Government might decide that the issue should be debated by Parliament, and did not rule out the possibility that the Government might engineer a debate in Parliament of the ad ref text. It was noted that debates were a way of putting issues in the public domain and that then Foreign Minister Axworthy spoke about the 1996 NORAD Renewal text in Parliament (a "take note" debate). Moreover, in their current predicament, the Liberals likely were sensitive to criticism that past Liberal Governments had failed to adequately "consult" Members about important matters such as continental defense. That said, Chapin stressed the positive Canadian attitude toward NORAD.

CANADIAN DRAFT TEXT

¶13. (C) In a discussion document entitled "All Domain NORAD Draft Text," derived from the 1996 NORAD renewal text, the Canadians outlined an approach to NORAD that was consistent with U.S. Circular 175 authority, including addition of maritime warning to NORAD's mission. Working through the text USDEL posed a number of questions, indicating several points where it might seek revisions. For some of these, USDEL proposed devising a preamble that would provide general context and thus avert some potentially time-consuming semantic bartering. Canada accepted the U.S. offer to prepare a draft text of an international agreement (replacing the exchange of notes used previously) based on the Canadian draft.

¶14. (C) In presenting its text, the Canadian delegation pointed out issues of particular importance. References to information sharing were included to send an "important signal" and stress the need for information exchange. On maritime warning, it was important to develop a complete maritime picture at NORAD. Responses to maritime threats would be through bilateral channels. "Land warning" was added to "flesh out the all-domain awareness concept." It helped, the Canadians noted, to ensure a "real-time, full picture" of threats. References to a five year renewal were removed in this draft to allow for an indefinite term. Language was added to formalize an amendment process. Language ensuring the continued existence of the BPG was added as there was a need to "define modalities for improving planning." The language was bracketed, however, because the modalities were open.

¶15. (C) The U.S. delegation raised specific questions about the draft Canadian text. Breese noted that it was important to be specific about activities associated with drug trafficking to ensure they are within NORAD's roles (Preamble paragraph 4 of the Canadian text).

¶16. (C) Paragraphs I.8 and III.8 of the Canadian text referred to the need for enhanced "information sharing," seeking the explicit commitment of both governments to "ensuring the effective sharing of information and intelligence relevant to the defense of North America." USDEL acknowledged the importance of sharing information relevant to NORAD's specific mission but voiced reservations about generalizing a need for information sharing in this Agreement. Information sharing between the U.S. and Canada was a major issue that was being handled outside of the current discussion, and one that political leaders already had discussed as a field to explore. Chapin noted that the BPG had told of complications in planning and practice due to lack of information sharing.

¶17. (C) With respect to the Canadian addition of a "land warning function" the U.S. delegation asked for clarification on what that function meant. Breese noted that such a function could get "very political" in both countries and asked for more details. He added that it was a subject that could mature through NORTHCOM and CanCom. Col Hache explained that Canada added land warning "for completeness" because Canada did not want a gap in continental domain coverage. He explained further that the Canadian delegation "automatically assumed" that land warning referred to defense support for civilian authorities. Martin added that it was critical to have a shared picture of threats and suggested that NORAD could, for example, track the unloading of a container from a ship to a truck that was headed toward the border. Chapin responded that land warning got to the issue about the essence of NORAD in the future. No one wanted a "blockbuster" NORAD that did everything, but NORAD did need a broader set of eyes and ears. It was imprudent, he thought, to go from one plan to another. Rather than worry about "imposing boundaries" on the mission, the focus should be on having the ability to sort out the threat. Citing the absence of "big picture" clarity on 9/11, he said there was great value in enabling an integrated and shared threat picture for North America. Breese agreed, remarking however, that this touched upon transition from NORAD to appropriate

law enforcement entities, i.e. DHS/PSEPC.

¶18. (C) On the maritime warning mission Breese asked for an explanation of Canadian references to internal waterways (paragraph II.13 of the Canadian draft). Col Hache answered that there was a clear delineation here between warning and "control". He acknowledged that looking at the internal waterways moved into the realm of law enforcement, but noted that "appropriate warning would trigger the appropriate response." If NORAD, he suggested, identified a situation involving the St. Lawrence Seaway or the Great Lakes, it could notify NORTHCOM or the appropriate responder. USDEL sought clarification on definitions of "warning," "surveillance," and "control," observing that each held specific meanings in the U.S. military lexicon.

¶19. (C) Regarding information operations (paragraph II.15 of the Canadian draft) Breese asked why such this was included by Canada as a mission for NORAD. Information system defense was an inherent part of any command's functions and was a "task" more than a "mission." Lt Col Dees noted that the Department of Defense was eliminating "defensive information operations" as a term in draft joint doctrine because the line between defense and offense was often blurry. The U.S. delegation noted that it would be desirable to articulate the defensive nature of information operations and agreed to include it in the preamble to the Agreement.

¶20. (C) In paragraph III.3 Canada included a statement that "NORAD shall remain a distinct headquarters with a distinct chain of command." Breese inquired as to the reason for insertion of the sentence. Chapin explained that it was added because NORTHCOM was new since the last Agreement. He stressed Canada's view that NORAD must be protected as an institution, referring to Secretary of Defense Rumsfeld's testimony to congress in which the Secretary spoke about NORAD being subsumed (by NORTHCOM). A more difficult alternative, Chapin said, would be "to explain NORAD in the context of NORTHCOM and CanCom."

¶21. (C) The Canadian draft included language regarding potential/prospective "new partnerships for the defense of North America." The U.S. delegation noted that inclusion of such language was problematic since it would be inappropriate to name countries and such broad language might encourage other countries not viewed as appropriate partners by the U.S. or Canada to apply for membership. Chapin agreed that such language was not needed as the NORAD amendment process would allow for any possible future expansion.

THE BI-NATIONAL PLANNING GROUP

¶22. (C) The U.S. delegation questioned Canadian draft language affirming that a BPG function would continue to exist. Col Rudesheim acknowledged the value of the BPG's contributions but noted that "realities had changed" since the BPG's inception. Townsend expressed the desire for more of a strategic focus to the BPG. Breese noted that that there were several missions for the BPG now: updating bi-national plans; coordinating global planning; and "big sky" thinking beyond continental defense. Possible options for the future of the BPG were: maintain the status quo; direct NORTHCOM and CanCom to devote resources to conduct planning cooperatively; and locate BPG functions in a "think tank" venue, perhaps at the National Defense University in Washington, D.C., not tied to either Northern Command or Canada Command, to do "big sky" thinking. The latter would feed into DoD and DND.

¶23. (C) Chapin said that maintaining distinction between function and use was critical. The BPG was designed to achieve modest objectives quickly. It had examined the current nature of joint plans and found a plethora of treaties, MOUs, and informal arrangements that were not necessarily practical. Because of its composition and mandate, the unit was able to develop and test scenarios that identified work to be done in joint response. Without the BPG, both sides would lose the pro-active dimension of its function for long-term strategic planning. The planning functions of the BPG meshed well with functions of the PJBD and MCC. Moreover, if BPG planning functions were to revert to national commands, bi-national efforts would be vulnerable to national schedules and tasks. A valuable proactive dimension in bi-national planning would be lost. Admiral Robertson asked that the bi-national planning function not be allowed to be captured by the "commanders' whim-of-the-day" or other priorities.

¶24. (U) Both sides agreed to hold the next round of talks on November 12 in Winnipeg, just before the 216th meeting of the Permanent Joint Board on Defense (November 12-14) and to brief the Board on the status of negotiations. Additionally, the U.S. delegation agreed to provide comments on the Canadian draft by the end of the week of October 3, 2005. For its part, the Canadian delegation agreed to draft and

share a paper on options for bi-national planning before the week of October 3, 2005. It was further agreed that the U.S. delegation, through Mr. Townsend, would prepare a non-paper on enhanced defense cooperation beyond the NORAD Agreement.

¶25. (U) This message has been cleared by heads of USDEL.

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WILKINS